

# **IEERB Procedures under PL 48/SEA 575**

**Presented by:**

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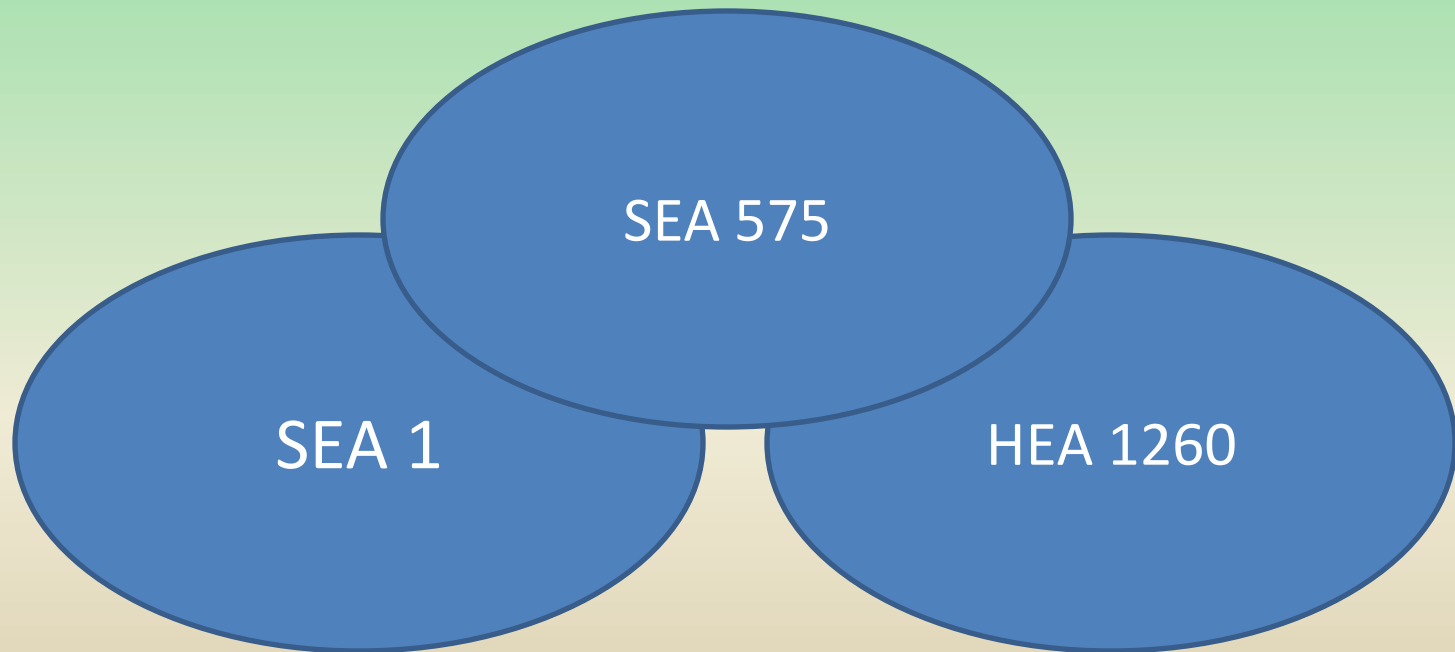
**2011**

# IEERB Background

Function  
And  
Authority

# INTRODUCTION TO PL 48/SEA 575

Numerous changes in the laws



# New Working Relationship with DOE

- Neutrality on cases
- Collaboration on Education Reform
- DOE's FAQs

# Changes in IEERB Functions and Bargaining

- Committees
- Scope of Contracts/Subjects of Bargaining
  - Salary and wage-related fringe benefits, including paid time off
  - SEA 1
  - Other subjects are prohibited
  - Terms of contract

# Changes in IEERB Functions and Bargaining (Continued)

- Subjects of Discussion
  - Discussables can't be bargained
  - No longer discussing Working Conditions!
  - Discussables now include:
    - Evaluation
    - Safety Issues
    - Hours (thus, no longer bargained)

# Deficit Financing

SEA 575 defines as:

“‘Deficit financing’ for a budget year means **actual expenditures exceeding the employer's current year actual general fund revenue.**”

And further states:

“It is unlawful for a school employer to enter into any agreement that would place the employer in a position of deficit financing **due to a reduction in the employer's actual general fund revenue or an increase in the employer's expenditures when the expenditures exceed the employer's current year actual general fund revenue.**”

## **Bargaining/Impasse Timeline per P.L. 48/SEA 575 (as amended by Budget Bill)**

Before 8/1	<b>Informal negotiations may be held</b> (IC 20-29-6-12)
8/1	<b>Formal bargaining begins</b> (IC 20-29-6-12)  <b>DOE provides parties with Estimate of general fund revenue available for bargaining</b> (IC 20-29-6-12.5)
[~9/20]	<b>ADM Count</b>
9/30	<b>All impasses declared</b> (60 days after formal bargaining begins- IC 20-29-6-13)
10/15	<b>All mediations must begin</b> (15 days after impasse declared- IC 20-29-6-13)
[~10/21]	<b>DOE provides Certification of available bargaining revenue</b> (30 days after first ADM count- IC 20-29-6-12.5)
11/1	<b>Holdover date from previous statutory language – does not affect bargaining</b>
11/14	<b>All mediations must end</b> (30 days after mediation begins- IC 20-29-6-13)
11/29	<b>All factfindings must begin</b> (15 days after mediation ends- IC 20-29-6-13)
12/14	<b>All factfindings must end</b> (15 days from beginning of the fact finding- IC 20-29-6-15)
12/31	<b>No factfinding hearing can be held after this date</b> (IC 20-29-8-7)
1/13	<b>Deadline for appeal of factfindings to the full board</b> (fact findings may be appealed within 30 days of receipt of factfinder’s decision- IC 20-29-6-18)
2/12	<b>Board rulings on appeal of factfindings due</b> (board must rule on fact finding appeals within 30 days of the appeal- IC 20-29-6-18)

### Implications

- If a contract is not settled by 9/30, impasse will automatically be triggered by operation of law
- IEERB will not provide impasse services between January and August of each year. We will continue to provide our other statutory services including unfair practice complaint processing, representation/unit determination, and research.



# Mediation Requirements

- Must begin within 15 days of board notice of impasse
- Maximum 3 sessions
- Must result in either agreement or last, best offers (including fiscal rational)
- Mediation shall be completed within 30 days
- Cost of mediation borne equally by the parties

# Factfinding Requirements

- Mandatory Initiation
- Last Best Offers
- Always Results in a Contract
- Maximum 2 Days of Testimony
- FF Only Considers GF and DOE/DLGF Certified Funds
- Report Covers Only Bargainable Items
- Can't Result in Deficit Financing
- Process Limited to 15 Days from Beginning to End
- Cost Borne Equally by the Parties

# FACTFINDING PREPARATION

Best preparation occurs while you are preparing the budget

— Keep all supportive data you use as you assemble and support your budget.

- Spreadsheets on personnel and benefits
- Utilities
- General Fund Revenue/Expenditure History (3 years)
- Areas of extraordinary impact on the General Fund

# FACTFINDING PRESENTATION

For the Factfinding hearing:

1. 3-Year History of ADM and 2-Year Projection
2. DLGF and DOE Verification for General Fund
3. 3-Year Budget History
4. Describe “unique” aspects of district (i.e.: LEA for special education)
5. Narrative that describes the last, best offer (Both Parties)
6. Certification that the last, best offer doesn't provide for deficit spending (Both Parties)

# FACTFINDING APPEALS

- Must file within 30 days of Factfinder's Decision
- Board's decision restricted to bargainable items
- Board's decision cannot create deficit financing
- Board's decision cannot go beyond last, best offer
- Board must rule within 30 days of Notice of Appeal

# Frivolous Unfair Practice Complaints

Pursuant to SEA 575, if a complaint is found to be frivolous, the party that filed the complaint is liable for costs and attorney fees.

# Thank you!

## IEERB Contact Information:

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